

Response to Office Action Dated March 22, 2006  
June 22, 2006  
A-1583CON  
Page 6

RECEIVED  
CENTRAL FAX CENTER  
JUN 22 2006

REMARKS

Claims 1 and 22 have been amended, non-elected claims 13-20 have been canceled, without prejudice to Applicant's right to present them again in a divisional application, and new claims 23-30 have been added. Accordingly, claims 1-6, 8-12, and 21-30 are now pending in the application.

Claims 1, 3-5, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,318,296 to Nguyen. Responsive thereto, it is noted that the subject application is a continuation under 35 U.S.C. 120 of parent Patent No. 6,625,934, which has an effective filing date of January 6, 2000. Therefore, the Nguyen '296 patent, having an effective filing date of March 7, 2000, is not effective prior art to the subject application. Accordingly, this rejection is improper, and must be withdrawn.

Claims 1, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,161,198 to Sojka. Without acknowledging the correctness of the basis for this rejection, Applicant respectfully notes that claim 1 has been amended to include the limitations of claim 22, which was not rejected based on the Sojka reference, and that claims 8 and 9 are dependent upon claim 1, as amended. Thus, this rejection is effectively moot.

Claims 1, 2, 6, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,755,480 to Bryan. As noted above, however, independent claim 1 has been amended to include the limitations of claim 22, which was not rejected based on the Bryan reference, and claims 2, 6, and 21 are dependent upon claim 1, as amended. Thus, this rejection is also effectively moot.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,161,198 to Sojka. These claims are all dependent upon claim 1, which, as noted above, has now been amended to include the limitations of claim 22. Since Sojka does not disclose or suggest the use of a fire protection rated access panel, which, of course, would not have been obvious to use in a mobile animal cage of the type disclosed by Sojka, this rejection is no longer tenable, and should be withdrawn.

Clearly, claims 1-6, 8-12, and 21 are not rejected under prior art, as amended, and are in condition for allowance. Since the Examiner's rejection was improperly based on

Response to Office Action Dated March 22, 2006  
June 22, 2006  
A-1583CON  
Page 7

a reference which was not proper prior art, and since claim 1 was only amended to include the limitations of claim 21, if the Examiner chooses to impose a new prior art rejection in a new office action, this new office action must necessarily be a non-final one.

New independent claim 23 is essentially claim 3 rewritten in independent form. Since claim 3 was only rejected using the improper Nguyen reference, this claim, too, should be in condition for allowance. Claims 24 and 25 are dependent upon allowable claim 23, and are also thus in condition for allowance.

New independent claim 26 recites the apparatus as set forth in prior claim 1, wherein said apparatus extends through a fire protection rated wall. Clearly, none of the prior art references disclose or suggest such an installation. This claim, therefore, and claims 27-30, dependent thereon, are all in condition for allowance as well.

In view of the foregoing, Applicants respectfully submit that the subject application is in condition for allowance, and early notification of same is earnestly solicited. The Examiner is requested to contact the undersigned at the number below, should any further questions or issues need to be resolved.

Respectfully submitted,



Donald E. Stout

Reg. No. 34,493

June 22, 2006  
4 Venture, Suite 300  
Irvine, CA 92618  
Telephone (949) 450-1750  
Facsimile (949) 450-1764